

Title	Court Appointed Special Advocates: Program Guidelines (amend Cal. Rules of Court, rule 1424)
Summary	Proposed changes to rule 1424 will eliminate “recommendations” for Court Appointed Special Advocates (CASA) program operations and limit the rule’s scope to items that CASA must comply with to avoid the loss of Judicial Council funding. Such items include requirements for screening procedures, number of hours of initial training and continuing education, prohibited volunteer activities, and confidentiality. The proposed changes would also authorize the creation of a statewide policies and procedures manual.
Source	Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Susan D. Huguenor, Co-chairs
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Discussion	<p>Proposed amendments to rule 1424 would eliminate the “recommendations” for CASA program operations and limit the rule’s scope to items that CASA must comply with in order to retain Judicial Council funding. These proposed amendments address, among other areas, the following:</p> <ol style="list-style-type: none"> 1. Basic screening procedures, 2. Number of hours of initial training and continuing education, 3. Prohibited volunteer activities, and 4. Confidentiality. <p>The proposal would also add authorization to create a policies and procedures manual containing specific recommended guidelines for implementing the rule’s mandates. The policies and procedures manual would comprise many of the recommendations currently proposed to be removed from rule 1424. The manual would also include current national CASA standards. For example, rule 1424 specifies that a CASA program must provide 30 hours of initial training to volunteer candidates and includes a brief list of statutorily mandated topics for the training. The training section in the statewide policies and procedures manual would list additional recommended topics for the training found both in current rule 1424 and in the national CASA</p>

standards.

A previous proposal to modify rule 1424 was circulated for comment in Spring 2003. That version attempted to strengthen rule 1424 and to simplify California CASA programs' assessment of their compliance with both the rule and National CASA Standards. Staff of the Family and Juvenile Law Advisory Committee integrated the national standards into that version of rule 1424.

Seven comments were received. Two judicial commentators highlighted the negative impact the proposed rule revisions would have on CASA programs. One judicial officer wrote that "[t]he detailed regulations and restrictions may ... only defeat the ability of each program to respond to unique community needs given that these are small nonprofit organizations." Another judicial officer stated that the proposed revisions would create a "heavy burden" on the courts and on CASA programs. The same judicial officer added that "[t]he overall problem with most of these requirements, especially those that require additional staff, is that no resources are committed to assist local CASA organizations in implementing them."

In response to one judicial officer's comment that new CASA programs could not meet the rule's numerous requirements, one of the proposed rule amendments defines CASA programs as "those that have completed one development grant year and one 'start-up' year." New CASA programs will not be immediately burdened with meeting all rule requirements; they will have two years to come into full compliance.

The advisory committee's current proposed amendments to rule 1424 address these concerns by limiting the rule's requirements to items that CASA programs must comply with in order to avoid the loss of Judicial Council funding. Recommended CASA program policy guidelines and standards could instead be promulgated by the AOC in the form of a policies and procedures manual.

The proposed revised rule is attached at pages 3–19.

Attachments

Rule 1424 of the California Rules of Court would be amended, effective January 1, 2005, to read:

Rule 1424. Program ~~guidelines~~requirements for court-appointed special advocate programs

(a) [General provisions] A Court Appointed Special Advocate (CASA) program must comply with this rule to be eligible to receive Judicial Council funding. The Judicial Council may consider compliance with the guidelines delineated in the CASA Program Policies and Procedures Manual when determining eligibility for program funding.

~~(a)~~(b) [Definitions]

(1) A “CASA program” is the local court-appointed special advocate program ~~or variation thereof, which that~~ has adopted and adheres to ~~these guidelines this rule and which that~~ has been designated by the local presiding juvenile court judge to recruit, screen, select, train, supervise, and support lay volunteers to be appointed by the court to help define the best interests of children in juvenile court dependency and wardship proceedings. CASA programs are defined as those that have completed one development grant year and one “start-up” year.

(2) The Administrative Office of the Courts (AOC) may create a “CASA Program Policies and Procedures Manual.” If the AOC creates a manual, it will include written protocols developed by the AOC as recommended program guidelines for California CASA programs. The manual will also include protocols on program and fiscal management, recruitment, screening, selection, training, and supervision of lay volunteers.

~~(2)-(3)(3)-(4)~~ ***

~~(4)~~(5) A “wardship proceeding” is a legal action involving a child under the age of 18 years who is alleged to be:

~~(i)~~(A) a~~A~~ person described under Welfare and Institutions Code section 601 (who is beyond parental control or habitually disobedient or truant); or

~~(ii)~~(B) a~~A~~ person described under Welfare and Institutions Code section 602 (who has violated any state or federal law or any city or county ordinance).

1 **(b)(c) [Recruiting, screening, and selecting CASA volunteers]**

- 2
- 3 (1) A CASA program shall must adopt and adhere to a written plan for the
- 4 recruitment of potential CASA volunteers. ~~The following considerations~~
- 5 ~~are essential to the effective recruitment of qualified CASA volunteers:~~
- 6 The recruitment effort must address the demographics of the jurisdiction
- 7 by making all reasonable efforts to ensure that individuals representing all
- 8 sectors of the community and all racial, ethnic, linguistic, and economic
- 9 subgroups within it are recruited and made available for appointment as
- 10 CASA volunteers.

11

12 (A) ~~The recruitment effort shall clearly explain the purposes of the~~

13 ~~CASA program and its role on behalf of children in juvenile court~~

14 ~~proceedings;~~

15

16 (B) ~~The recruitment effort shall define the role and responsibilities of the~~

17 ~~CASA volunteer in such proceedings;~~

18

19 (C) ~~The recruitment effort shall emphasize the degree and duration of~~

20 ~~the commitment expected of the CASA volunteer. The CASA~~

21 ~~volunteer should be prepared to commit a minimum of one year of~~

22 ~~service to a child and may be called upon to commit several hours~~

23 ~~per week of duty;~~

24

25 (D) ~~The recruitment effort shall address the demographics of the~~

26 ~~jurisdiction by making all reasonable efforts to ensure that~~

27 ~~individuals representing all sectors of the community and all racial,~~

28 ~~ethnic, linguistic, and economic sub-groups within it are recruited~~

29 ~~and made available for appointment as CASA volunteers; and~~

30

31 (E) ~~The recruitment effort should include some individuals who are able~~

32 ~~to work effectively with children who have special needs such as~~

33 ~~those with hearing, sight, or speech impairment; developmental~~

34 ~~disability; physical or mental disability; or any other condition~~

35 ~~requiring an individual with special skills for communication and~~

36 ~~advocacy.~~

- 37
- 38 (2) A CASA program shall must adopt and adhere to a the following written
- 39 screening procedures for potential CASA volunteers under section 102(e)
- 40 of the Welfare and Institutions Code-; ~~The following considerations are~~
- 41 ~~essential to the effective screening of qualified CASA volunteers:~~
- 42

1 ~~(A)~~ The screening procedure shall be designed and implemented to
2 ensure that those accepted for training are of good character,
3 competent to fulfill the role of a CASA volunteer, and willing to
4 commit the time and energy necessary to effectively present and
5 advance the best interests of a child or children in juvenile court
6 proceedings;

7
8 ~~(B)~~ The screening procedure shall include an information and orientation
9 mechanism for aspiring CASA volunteers, presenting such topics as
10 the role of the juvenile court, including its relationship to the child
11 welfare agency in child abuse and neglect cases, the general CASA
12 concept, a description of the local CASA program, and the role and
13 responsibilities of the CASA volunteer;

14
15 ~~(C)~~(A) The screening procedure shall include a A written application
16 that generates adequate identifying data; information regarding the
17 applicant's education, training, and experience; minimum age
18 requirements; and current and past employment; demonstrated
19 interest in children and their welfare; personal experience with child
20 abuse and neglect that bears upon the applicant's ability to be
21 effective in these types of cases; and a statement of commitment to
22 the role and responsibilities of a CASA volunteer;

23
24 ~~(D)~~(B) The screening procedure shall include a Notice to the
25 applicant that a formal security check will be made, including
26 inquiries, through appropriate law enforcement agencies, regarding
27 any criminal record, driving record, or other record of conduct that
28 would disqualify the applicant from service as a CASA volunteer.
29 The security check ~~should~~ must include fingerprinting ~~and reference~~
30 to criminal registries in appropriate states. It should also ensure that
31 the CASA volunteer has adequate motor vehicle insurance coverage
32 if use of a motor vehicle will be necessary to the performance of
33 duty. Refusal to consent to a formal security check ~~shall be~~ is
34 grounds for rejecting an applicant;

35
36 ~~(E)~~(C) The screening procedure shall include a A minimum of three
37 references regarding the character, competence, and reliability of the
38 applicant and suitability for assuming the role of a CASA volunteer;
39 and.

40
41 ~~(F)~~(D) The screening procedure shall include a A personal interview
42 or interviews by a person or persons approved by the presiding
43 juvenile court judge or his or her designee probing the essential

1 areas of concern with respect to the qualities of an effective CASA
2 volunteer. A written, confidential record of the interview and the
3 interviewer's assessments and observations ~~should~~ must be made,
4 and ~~kept~~ retained in the advocate's file.

5
6 (3) If a CASA program allows its volunteers to transport children, the
7 program must ensure that volunteers:

8
9 (A) Possess a valid and current drivers license;

10
11 (B) Possess personal automobile insurance that meets the minimum state
12 personal automobile insurance requirements;

13
14 (C) Obtain permission from the child's guardian or custodial agency;
15 and

16
17 (D) Provide Department of Motor Vehicle driving record reports to the
18 CASA program on an annual basis.

19
20 ~~(3)(4)~~ A CASA program ~~shall~~ must adopt ~~and adhere to~~ a written preliminary
21 selection procedure for CASA candidates regarding entry into the CASA
22 training program. ~~The following considerations are essential to the~~
23 ~~effective selection of CASA volunteer trainees:~~ The selection procedure
24 must state that applicants found to have been convicted of or having
25 current charges pending for a felony or misdemeanor involving a sex
26 offense, child abuse, or child neglect must not be accepted as a CASA
27 volunteer. This policy must be stated on the volunteer application form.

28
29 ~~(A) The selection procedure should be designed and implemented to~~
30 ~~ensure that those selected recognize the seriousness of the role to~~
31 ~~which they aspire and the demands that it will make upon them; and~~

32
33 ~~(B) The selection procedure should ensure that those not selected are~~
34 ~~treated with dignity and respect and, if possible, referred to~~
35 ~~alternative volunteer opportunities more suitable for them.~~

36
37 **(e)(d) [Initial Training of CASA volunteers]** A CASA program ~~shall~~ must
38 adopt and adhere to a written plan for the initial training of CASA volunteers.
39 ~~The following considerations are essential to the initial training and final~~
40 ~~selection of CASA volunteers:~~ The initial training curriculum must include at
41 least 30 hours of formal instruction. The final selection process is contingent
42 on the successful completion of the initial training program, as determined by
43 the presiding judge of the juvenile court or his or her designee. Mandatory

1 training topics are listed in Section 102(d) of the Welfare and Institutions Code
2 and are as follows:

3
4 ~~(1) The initial training curriculum shall include at least 24 hours of formal~~
5 ~~instruction covering the following topic areas:~~

6
7 ~~(1) Child Development and Family Systems~~

8
9 ~~(2) Dynamics of Child Abuse and Neglect~~

10
11 ~~The Role of Law Enforcement~~

12
13 ~~(3) The Role of the Child Welfare Agency~~ Social Service Systems

14
15 ~~(4) The Role of the Juvenile Court and Its Key Participants~~ Court Structure,
16 Including Juvenile Court Laws Regarding Dependency

17
18 ~~Dependency Law and Procedure~~

19
20 ~~(5) An Introduction to Discovery and~~ Rules of Evidence and Discovery
21 Procedures

22
23 ~~Court Appearances and Testimony~~

24
25 ~~Ethics, Confidentiality of Information, and Mandated Reporting~~

26
27 ~~Community Resources for Children~~

28
29 ~~Cross-Cultural Issues~~

30
31 ~~The CASA Concept~~

32
33 ~~The Local CASA Program~~

34
35 ~~(6) The Role and Responsibilities of the a CASA Volunteer~~

36
37 ~~Investigation~~

38
39 ~~(7) Interviewing Techniques~~

40
41 ~~(8) Report Writing and Verification~~

42
43 ~~Advocacy~~

1
2 (9) Problems Associated with Verifying Reports
3

4 Any other subject deemed appropriate by the CASA program director or the
5 juvenile court presiding judge. If volunteers will be assigned to wardship cases,
6 the initial training shall include instruction on relevant juvenile court law.
7

8 ~~(2) The initial training program shall include an opportunity for each trainee~~
9 ~~to visit the juvenile court while it is in session and observe proceedings~~
10 ~~similar to those in which he or she would be involved as a CASA~~
11 ~~volunteer as well as the opportunity to visit a local child welfare agency~~
12 ~~and other community agencies and institutions relevant to the work of a~~
13 ~~CASA volunteer.~~
14

15 ~~(3) The initial training program shall include written materials covering the~~
16 ~~topic areas of the training curriculum. These materials should be provided~~
17 ~~to trainees in a form designed for easy access, reference, and update.~~
18

19 ~~(4) Trainers and faculty of the initial training program should be persons with~~
20 ~~substantial knowledge, training, and experience in the subject matter they~~
21 ~~present and should be competent in the provision of technical training to~~
22 ~~laypersons aspiring to be CASA volunteers.~~
23

24 ~~(5) CASA program staff and others responsible for the initial training~~
25 ~~program should be attentive to the participation and progress of each~~
26 ~~trainee and be able to objectively evaluate his or her abilities according to~~
27 ~~criteria developed by the CASA program for that purpose.~~
28

29 The final selection process is contingent on the successful completion of the
30 initial training program, as determined by the presiding judge of the juvenile
31 court or his or her designee.
32

33 ~~(d)~~(e) **[Oath]** At the completion of training, and before assignment to any child's
34 case, the CASA volunteer ~~shall~~ must take a court-~~approved~~ administered oath
35 describing the duties and responsibilities of the advocate under section 103(f)
36 of the Welfare and Institutions Code. The CASA volunteer ~~shall~~ must also sign
37 a written affirmation of that oath. The signed affirmation ~~shall~~ must be retained
38 in the volunteer's file.
39

40 ~~(e)~~(f) **[Duties and responsibilities]** ~~(1)~~ CASA volunteers serve at the discretion
41 of the court having jurisdiction over the proceeding in which the volunteer has
42 been appointed. A CASA volunteer is an officer of the court and is bound by
43 all court rules ~~pursuant to~~ under Section 103(e) of the Welfare and Institutions

1 Code. ~~(2)~~ A CASA program ~~shall~~ must develop and adopt a written description
2 of duties and responsibilities, consistent with local court rules, ~~which shall~~
3 ~~address at least the following:~~

- 4
5
6 ~~(A) Supporting the child throughout the court proceedings;~~
7
8 ~~(B) Explaining the court proceedings to the child;~~
9
10 ~~(C) Establishing a relationship with the child to better understand the~~
11 ~~child's needs and desires;~~
12
13 ~~(D) Reviewing available records regarding the child's family history,~~
14 ~~school behavior, medical or mental health history, etc.;~~
15
16 ~~(E) Identifying and exploring potential resources that will facilitate~~
17 ~~family preservation, early family reunification, or alternative~~
18 ~~permanency planning;~~
19
20 ~~(F) Explaining the CASA volunteer's role, duties, and responsibilities to~~
21 ~~all parties associated with a case;~~
22
23 ~~(G) Communicating the child's needs to the court in written reports and~~
24 ~~recommendations;~~
25
26 ~~(H) Ensuring that the court approved plans for the child are being~~
27 ~~implemented;~~
28
29 ~~(I) Investigating the interests of the child in judicial or administrative~~
30 ~~proceedings outside of juvenile court;~~
31
32 ~~(J) Communicating and coordinating efforts with the child's social~~
33 ~~worker, probation officer, and attorney; and~~
34
35 ~~(K) Other duties and responsibilities as determined by the presiding~~
36 ~~juvenile court judge or a designee.~~
37

38 (g) [Prohibited activities] A CASA program must develop and adopt a written
39 description of prohibited activities, which must include prohibition of the
40 following activities:
41

- 42 (1) Taking a child to the CASA volunteer's home;
43

- (2) Giving legal advice or therapeutic counseling;
- (3) Giving money or expensive gifts to the child or family;
- (4) Being related to any parties involved in a case or being employed in a position and/or agency that might result in a conflict of interest; and
- (5) Any other activities prohibited by the local juvenile court.

(f)(h) [The appointment of CASA volunteers] ~~(1) The presiding juvenile court judge and The CASA program director shall must develop, with the approval of the presiding juvenile court judge, a written procedure for the selection of cases and the appointment of CASA volunteers for children in juvenile court proceedings. The procedure should recognize the fact that volunteers will not be available for all children, and should include criteria for determining those types of cases and children most likely to benefit from the appointment of an advocate. If volunteer resources are limited, preference in assignment should be given to children in dependency proceedings (2) The court may appoint a CASA volunteer at any time during dependency proceedings. In the event that appointment is made prior to the establishment of jurisdiction, the court order shall specify that the duties of the child's advocate are limited to supporting the child and advocating for needed services. The court shall admonish the child's advocate not to investigate jurisdictional issues. In making prejurisdictional appointments, the courts and CASA programs are encouraged to follow the early assignment protocol developed by the California CASA Association.~~

~~(3) The court may appoint a CASA volunteer at any time following a declaration of wardship at a disposition hearing in wardship proceedings.~~

~~(4) In developing the criteria for selection of cases and assignment of a volunteer, the CASA program shall consider the complexity of the case; the availability of alternative support persons in the child's life; the age and sex of the child or children; the cultural, ethnic, linguistic, religious, and other background characteristics (including any disabilities) of the child and family; the potential assistance a volunteer could provide; the availability of a particular volunteer to meet the specific needs of the child; and such other factors as the CASA program may deem relevant to the assignment of the most effective CASA volunteer for the case.~~

~~(5) The procedure shall ensure that a qualified volunteer is assigned to a case as early as possible after a court referral is made.~~

1
2 (6) ~~The procedure shall ensure that no conflict of interest exists with respect~~
3 ~~to the CASA volunteer and any other party or interest associated with the~~
4 ~~case.~~

5
6 (7) ~~The procedure shall ensure that all appointments and assignments are~~
7 ~~made by an appropriate order of the court, and that, whenever possible,~~
8 ~~the order for appointment shall contain specific duties of the volunteer~~
9 ~~and the reasons for the appointment; that all appointments and~~
10 ~~assignments are acknowledged in writing; and that all persons entitled to~~
11 ~~notice of the hearings are notified of the appointment of the CASA~~
12 ~~program and of their opportunity to petition the court for a hearing on the~~
13 ~~matter. The advocate may request the court at any time for a clarification~~
14 ~~of CASA duties on a specific case.~~

15
16 (8) ~~The procedure shall ensure that as soon as feasible after the appointment~~
17 ~~or assignment of a CASA volunteer, he or she obtains access to~~
18 ~~appropriate case materials, including the court file, the appointment order,~~
19 ~~the assignment letter, and such other documents as may be necessary to~~
20 ~~effectively present and promote the child's or children's best interests.~~
21 ~~Likewise, the CASA volunteer shall receive immediate guidance from~~
22 ~~CASA program staff in developing a plan of action for undertaking the~~
23 ~~duties and responsibilities of a CASA volunteer.~~

24
25 **(g)(i) [Oversight, support, and supervision of CASA volunteers]** ~~(4)~~ A CASA
26 program shall~~must~~ adopt and adhere to a written plan, approved by the
27 presiding juvenile court judge, for the oversight, support, and supervision of
28 CASA volunteers in the performance of their duties. The plan must include the
29 following topics: ~~The following considerations are essential to the effective~~
30 ~~oversight and supervision of CASA volunteers:~~

31
32 (1) The CASA program must establish a grievance procedure that covers
33 grievances by any person against a volunteer or CASA program staff and
34 grievances by a volunteer against a CASA program or program staff. The
35 plan must be provided to any person, including a volunteer, who has a
36 grievance against a volunteer or a CASA program employee. Relevant
37 documentation of any grievance filed by or against a volunteer must be
38 retained in the volunteer's personnel file.

39
40 ~~(A) Case supervisors and other CASA program staff shall be persons~~
41 ~~with substantial knowledge, training, and experience regarding the~~
42 ~~CASA concept and the curriculum the volunteers have been trained~~
43 ~~in, and be competent to provide the necessary supervision, support,~~

1 and evaluation services to CASA volunteers in the exercise of their
2 duties;

3
4 ~~(B) The written oversight, support, and supervision plan shall be~~
5 ~~designed and implemented to ensure that the CASA program staff~~
6 ~~can readily determine the status of a case assigned to a CASA~~
7 ~~volunteer; assess the needs of the volunteer for support with respect~~
8 ~~to any aspect of the case; evaluate the performance of the volunteer~~
9 ~~in presenting and promoting the best interests of the child; and~~
10 ~~provide whatever support or other intervention as may be~~
11 ~~appropriate to the circumstances of the particular case;~~

12
13 ~~(C) The written oversight, support, and supervision plan shall include an~~
14 ~~accurate case assignment record; an up-to-date calendar; a monthly~~
15 ~~case log system; and regularly scheduled case conferences during~~
16 ~~which the CASA volunteer meets personally with a CASA program~~
17 ~~staff person to review the progress, status, and prospective activities~~
18 ~~of the case(s) to which the volunteer is assigned. Case conferences~~
19 ~~should occur at least every 60 days and should be conducted with~~
20 ~~reference to the case file and a checklist or protocol adopted by the~~
21 ~~CASA program for this purpose. The checklist and a brief written~~
22 ~~record of the case review should be preserved in the case file;~~

23
24 ~~(D) The plan shall ensure that CASA volunteers have ready access to~~
25 ~~CASA program staff for support, assistance, and direction. For~~
26 ~~emergency situations, the written plan should contain some~~
27 ~~provision for 24-hour coverage whether by the CASA program itself~~
28 ~~or through a local crisis hot line or other mechanism;~~

29
30 ~~(E) The plan should ensure that CASA volunteers have ready access to~~
31 ~~an attorney knowledgeable in juvenile court law provided by the~~
32 ~~CASA program, whether retained or pro bono, for advice and~~
33 ~~direction on nonroutine legal issues that may arise in the course of~~
34 ~~duty. Access to such counsel should be regulated by CASA program~~
35 ~~staff;~~

36
37 ~~(F) The plan shall include an annual evaluation procedure to confirm the~~
38 ~~continuing qualification of the CASA volunteer. This procedure~~
39 ~~should include analysis of case files and the case review records; the~~
40 ~~volunteer's record with respect to ongoing training and continuing~~
41 ~~education; inquiries to the juvenile court officers in whose courts the~~
42 ~~volunteer has received assignments; follow-up security checks if~~
43 ~~warranted; and such other information as may have come to the~~

1 attention of CASA program staff. A written record of the evaluation
2 shall be maintained in the volunteer's file;

3
4 (G) ~~The plan shall include a procedure for reviewing grievances by the~~
5 ~~volunteer or by any party brought against the volunteer; and~~

6
7 (H) ~~The plan shall ensure that the presiding juvenile court judge, and~~
8 ~~other juvenile court judges and referees, have open and regular~~
9 ~~channels of communication to the CASA program director and ready~~
10 ~~access to information regarding the status of CASA cases and~~
11 ~~activities.~~

12
13 (2) A CASA program shall must adopt and adhere to a written plan for the
14 ongoing training and continuing education of CASA volunteers. The
15 following considerations are essential to the effective ongoing training
16 and continuing education of CASA volunteers: Ongoing training
17 opportunities must be provided at least monthly under section 103(a) of
18 the Welfare and Institutions Code. CASA volunteers must participate in a
19 minimum of 12 hours of continuing education in each year of service.

20
21 (A) ~~Ongoing training shall be designed and presented to maintain and~~
22 ~~improve the level of CASA volunteer knowledge and skill and to~~
23 ~~keep volunteers up to date on changes in law, local court procedure,~~
24 ~~the practices of other involved agencies including the local child~~
25 ~~welfare agency, CASA program policies, and developments in the~~
26 ~~fields of child development, child abuse, and child advocacy;~~

27
28 (B) ~~Ongoing training opportunities should be provided at least monthly~~
29 ~~if possible and CASA volunteers shall participate in at least 10 hours~~
30 ~~of continuing education in each year of service;~~

31
32 (C) ~~Ongoing training may be provided directly by the CASA program, in~~
33 ~~cooperation with another agency or agencies, including the local~~
34 ~~child welfare agency, or through an outside agency if the substance~~
35 ~~and quality of the training opportunity and its suitability for the~~
36 ~~continuing education of CASA volunteers has been approved by the~~
37 ~~CASA program. Site and field visits to agencies and institutions~~
38 ~~relevant to the work of a CASA volunteer should be included as a~~
39 ~~part of ongoing training;~~

40
41 (D) ~~The program should consider having available resource persons in~~
42 ~~such areas as education, mental health, and medicine for~~
43 ~~consultation on an as-needed basis; and~~

1
2 (E) ~~Trainers, consultants, and faculty of ongoing training and continuing~~
3 ~~education should be persons with substantial knowledge, training,~~
4 ~~and experience in the subject matter they present and should be~~
5 ~~competent in the provision of technical training to persons serving as~~
6 ~~CASA volunteers.~~

7
8 **(h)(i) [Removal, resignation, and termination of a CASA volunteer]** The
9 CASA program ~~shall~~ must adopt a written plan for the removal, resignation, or
10 involuntary termination of a CASA volunteer, including the following
11 provisions:

12
13 (1) A volunteer may resign or be removed from an individual case at any
14 time by the order of the juvenile court presiding judge or a his or her
15 designee.

16
17 ~~(2) A volunteer may resign from the program by submitting a written notice~~
18 ~~to the director of the program.~~

19
20 ~~(3)(2)~~ A volunteer may be involuntarily terminated from the program by
21 ~~the court upon written application to the court by the program director.~~
22 ~~The court should determine by local court rule the procedure for acting on~~
23 ~~the application, including the procedure for filing a grievance.~~

24
25 (3) The volunteer has the right to appeal termination under the program's
26 grievance procedure.

27
28
29 **(i)(k) [CASA program administration and management]** ~~(i)~~ A CASA
30 program ~~shall~~ must adopt and adhere to a written plan for ~~effective and~~
31 ~~efficient~~ program governance and evaluation; that includes the following
32 as applicable: ~~The following considerations are essential to the effective~~
33 ~~governance of a CASA program:~~

34
35 ~~(A)(1)~~ ~~The governance plan shall be designed to best serve the underlying~~
36 ~~principles of the CASA concept. The plan shall include, if applicable,~~
37 Articles of incorporation, by-laws, and a board of directors. Any CASA
38 program that functions under the auspices of a public agency or private
39 entity shall must specify in its plan a clear administrative relationship
40 with the parent organization and clearly delineated delegations of
41 authority and accountability. No CASA program may function under the
42 auspices of a probation department or department of social services, and
43 the AOC prohibits programs from receiving funds from probation

1 departments, local child welfare agencies, and the California Department
2 of Social Services. This prohibition does not extend to the receipt of
3 federal funds that the California Department of Social Services passes
4 through to another agency for distribution to local CASA programs. Any
5 CASA program that is functioning under the auspices of a probation
6 department or department of social services on the effective date of this
7 rule must comply with this subdivision by July 1, 2001. The CASA
8 program director of a program that functions under the auspices of a
9 public agency or a private entity shall appoint an active advisory council
10 to:

11
12 (i) Support the CASA program in its relations with the
13 court and the community;

14
15 (ii) Assist in the development of resources; and

16
17 (iii) Provide advice and recommendations to the CASA program
18 with regard to program goals and policies.
19

20 (B)(2) The governance plan shall include a A clear statement of the purpose
21 or mission of the CASA program and express goals and objectives
22 calculated to further its purposes;. Where the CASA program functions
23 under the auspices of a public agency or a private entity, excluding the
24 agencies prohibited in (k)(1), an active advisory council must be
25 established. The advisory council for CASA programs functioning under
26 the auspices of a public agency or a private entity will not function as the
27 governing body of the CASA program. The board of directors for the
28 private entity or the public agency management will function as the
29 governing body for the CASA program with guidance from the advisory
30 council.
31

32 (C)(3) The governance plan shall include a A procedure for the recruitment,
33 selection, and hiring of an highly competent chief executive officer
34 director for the CASA program. Clear lines of authority among the
35 presiding judge of the juvenile court, the governing body, and the chief
36 executive officer should be drawn; the chief executive officer's duties and
37 responsibilities should be delineated; and a mechanism for regular
38 evaluation should be specified in an employment agreement; and
39

40 (D) The governance plan shall include a mechanism for a regular
41 evaluation of program effectiveness and reevaluation of its goals and
42 objectives.
43

- 1 ~~(2) A CASA program shall adopt and adhere to a written plan for effective~~
2 ~~and efficient program operations.~~
- 3
- 4 ~~(A) The operations plan shall include an organizational chart with clear~~
5 ~~lines of authority to a governing body or official and to the presiding~~
6 ~~juvenile court judge, as applicable; and~~
- 7
- 8 ~~(B) The plan should include preparation and maintenance of a program~~
9 ~~manual containing the policies and procedures indicated by these~~
10 ~~guidelines; initial and ongoing training materials; and such~~
11 ~~additional material as the CASA program may deem appropriate to~~
12 ~~the effective performance of its program functions. This manual~~
13 ~~should be made available to the CASA volunteers and serve as their~~
14 ~~key reference source in undertaking and performing their duties.~~
- 15
- 16 ~~(3)(4) A CASA program shall adopt and adhere to a written plan for~~
17 ~~effective and efficient program management. The management plan~~
18 ~~should include An administrative manual containing personnel policies,~~
19 ~~record-keeping practices, and data collection practices, and other internal~~
20 ~~systems for ensuring high quality administrative support for staff, CASA~~
21 ~~volunteers, juvenile court personnel, allied agencies, and others who~~
22 ~~collaborate in the work of the CASA program.~~
- 23
- 24 ~~(4) A CASA program shall adopt and adhere to a written plan for effective~~
25 ~~and efficient fiscal control.~~
- 26
- 27 ~~(A) The fiscal plan should include budgetary projections and a strategy~~
28 ~~for obtaining necessary funding to finance program operations;~~
- 29
- 30 ~~(B) The fiscal plan should include policies and procedures, as applicable,~~
31 ~~to ensure the integrity and effective and economical use of funds~~
32 ~~appropriated, allocated, or donated in furtherance of the program's~~
33 ~~purposes; and~~
- 34
- 35 ~~(C) The fiscal plan should include, if applicable, an annual audit or fiscal~~
36 ~~review conducted by a qualified professional consistent with~~
37 ~~generally accepted accounting principles.~~
- 38
- 39 (5) Local juvenile court rules developed in conjunction with the
40 presiding judge of the juvenile court or his or her designee, each CASA
41 program should develop and recommend local juvenile court rules
42 pertaining to the CASA program, as specified in section 100 of the
43 Welfare and Institutions Code. One local rule must specify when CASA

1 reports are to be submitted to the court, who is entitled to receive a copy
2 of the report, and who will copy and distribute the report. This rule must
3 also specify that the CASA court report be distributed to the persons
4 entitled to receive it at least two court days before the hearing for which
5 the report was prepared. ~~Those rules may include:~~

6
7 (A) ~~Definition of the role of a CASA volunteer in juvenile court~~
8 ~~proceedings;~~

9
10 (B) ~~Types of cases on which a CASA volunteer will be appointed;~~

11
12 (C) ~~Range of activities that can be undertaken by a CASA volunteer;~~

13
14 (D) ~~Point of time in proceedings when a CASA volunteer will be~~
15 ~~appointed;~~

16
17 (E) ~~Definition of the relationship among operational participants,~~
18 ~~including, but not limited to, the court, the child welfare agency,~~
19 ~~mental health professionals, attorneys, and CASA volunteers and~~
20 ~~staff;~~

21
22 (F) ~~Provision for open and regular channels of communication between~~
23 ~~the CASA program director/staff and the presiding juvenile court~~
24 ~~judge, other judges and referees in the juvenile court, child welfare~~
25 ~~system officials, and officials from other participating agencies; and~~

26
27 (G) ~~Access to confidential personnel and CASA case records.~~
28
29

30 **(I) [Finance, facility, and risk management]**
31

32 (1) A CASA program must adopt a written plan for fiscal control. The fiscal
33 plan must include an annual audit conducted by a qualified professional
34 consistent with generally accepted accounting principles and the audit
35 protocols in the program's contract with the Administrative Office of the
36 Courts.
37

38 (2) The fiscal plan must include a written budget with budget projections that
39 guide the management of its financial resources and a strategy for
40 obtaining necessary funding to finance program operations.
41

1 (3) The program must adhere to written operational procedures in regard to
2 accounting control when the program has the accounting oversight
3 authority.

4
5 (4) The CASA program's board of directors must set policies and exercise
6 control over fundraising activities carried out by its employees and
7 volunteers.

8
9 (5) The CASA program must have insurance coverage for staff and
10 volunteers as follows:

11
12 (A) General liability insurance with limits of liability: for bodily injury -
13 of not less than \$1 million (\$1,000,000) each person per
14 occurrence/aggregate and for property damage - of not less than \$1
15 million (\$1,000,000) per occurrence/aggregate limits;

16
17 (B) Non-owned automobile liability insurance and hired vehicle
18 coverage with limits of liability of not less than \$1 million
19 (\$1,000,000) combined single limit per occurrence and in the
20 aggregate;

21
22 (C) Automobile liability insurance meeting the minimum state
23 automobile liability insurance requirements if the program owns a
24 vehicle; and

25
26 (D) Workers' compensation insurance with a minimum limit of
27 \$500,000.

28
29 (6) The CASA program must require staff, volunteers, and members of the
30 governing body, when applicable, to immediately notify the CASA
31 program of any criminal charges against themselves.

32
33 (7) The nonprofit CASA program must plan for the disposition of property
34 and confidential records in the event of its dissolution.

35
36
37 ~~(j)~~(m) **[Confidentiality]** The presiding juvenile court judge and the CASA
38 program director shall must adopt a written plan governing confidentiality of
39 case information, case records, and personnel records. The written plan shall
40 must include the following provisions that:
41

- 1 (1) All information concerning children and families in the juvenile court
2 process is confidential. Volunteers ~~shall~~ must not give case information to
3 anyone other than the court parties, their attorneys, and CASA staff;.
- 4
- 5 (2) CASA volunteers are required by law (Pen. Code, § 11166 et seq.) to
6 report any reasonable suspicion that a child is a victim of child abuse or
7 serious neglect as described by Penal Code section 273;.
- 8
- 9 (3) The child's original case file ~~shall~~ must be maintained in the CASA office
10 by a custodian of records and must remain there. Copies of documents
11 needed by a volunteer must be restricted to those actually needed to
12 conduct necessary business outside of the office. No one ~~shall~~ may have
13 access to ~~that the child's original case file~~ except upon approval of the
14 CASA program director or presiding judge of the juvenile court. Controls
15 must be in place to ensure that records can be located at any time. The
16 office ~~shall~~ must establish a written procedure for the maintenance ~~and~~
17 ~~destruction~~ of case files; ~~and.~~
- 18
- 19 (4) The volunteer's personnel file is confidential. No one ~~shall~~ may have
20 access to the personnel file except the volunteer, the CASA program
21 director or his or her designee, or the presiding judge of the juvenile
22 court. ~~Local court rules should determine standards and procedures for~~
23 ~~access by other parties, including the process by which such documents~~
24 ~~can be subpoenaed.~~
- 25
- 26

27 **~~(k) [Reports; service]~~**

28

- 29 ~~(1) Each court that has a CASA program shall adopt a local rule, effective on~~
30 ~~or before January 1, 2002, specifying when CASA reports are to be~~
31 ~~submitted to the court, who is entitled to receive a copy of the report, and~~
32 ~~who shall copy and distribute the report.~~
- 33
- 34 ~~(2) At least two court days before the hearing, the report shall be distributed~~
35 ~~to the persons entitled to receive it.~~
- 36
- 37
- 38